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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/759,688	01/15/2004	Barry F. Shesol	Shesol-Wrap	8453
7590	10/04/2004		EXAMINER	LEWIS, KIM M
Edwin H. Crabtree Suite 575 3773 Cherry Creek N. Drive Denver, CO 80209			ART UNIT	PAPER NUMBER
			3743	

DATE MAILED: 10/04/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

<b>Office Action Summary</b>	Application No.	Applicant(s)
	10/759,688	SHESOL, BARRY F.
Examiner	Art Unit	
Kim M. Lewis	3743	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

#### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

#### Status

- 1)  Responsive to communication(s) filed on \_\_\_\_.
- 2a)  This action is FINAL.                            2b)  This action is non-final.
- 3)  Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

#### Disposition of Claims

- 4)  Claim(s) 1-20 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_ is/are withdrawn from consideration.
- 5)  Claim(s) 16-20 is/are allowed.
- 6)  Claim(s) 1-5,7-11 and 13-15 is/are rejected.
- 7)  Claim(s) 6 and 12 is/are objected to.
- 8)  Claim(s) \_\_\_\_ are subject to restriction and/or election requirement.

#### Application Papers

- 9)  The specification is objected to by the Examiner.
- 10)  The drawing(s) filed on 15 January 2004 is/are: a)  accepted or b)  objected to by the Examiner. Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a). Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11)  The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

#### Priority under 35 U.S.C. § 119

- 12)  Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
  - a)  All    b)  Some \* c)  None of:
    1.  Certified copies of the priority documents have been received.
    2.  Certified copies of the priority documents have been received in Application No. \_\_\_\_.
    3.  Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

#### Attachment(s)

- 1)  Notice of References Cited (PTO-892)
- 2)  Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3)  Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)  
Paper No(s)/Mail Date \_\_\_\_.
- 4)  Interview Summary (PTO-413)  
Paper No(s)/Mail Date \_\_\_\_.
- 5)  Notice of Informal Patent Application (PTO-152)
- 6)  Other: Detailed Action.

## DETAILED ACTION

### ***Information Disclosure Statement***

1. The listing of references in the specification is not a proper information disclosure statement. 37 CFR 1.98(b) requires a list of all patents, publications, or other information submitted for consideration by the Office, and MPEP § 609 A(1) states, "the list may not be incorporated into the specification but must be submitted in a separate paper." Therefore, unless the references have been cited by the examiner on form PTO-892, they have not been considered.

### ***Claim Rejections - 35 USC § 102***

2. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

3. Claims 1-4, 7, 10 and 13 are rejected under 35 U.S.C. 102(b) as being anticipated by U.S. Patent No. 5,843,018 ("Shesol").

As regards claim 1, Shesol anticipates the instant invention as presently claimed. More specifically, Shesol discloses an animal wound wrap (20) capable of use on an animal, thereby being an animal wound wrap. The wrap is capable of receipt around an abdomen and on another location on an animal's body. As can be seen from Figs. 6 and 7, the wound wrap comprises an abdomen wrap portion adapted for receipt around

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the animal's abdomen and having a first end portion with a first fastener means (22), said first fastener means for releasably engaging a second end portion of said abdomen wrap portion; and an extension wrap portion having a first end portion attached to a side of said abdomen wrap portion and at an angle thereto, said extension wrap portion having a second end portion with a second fastener means (22), said second end portion adapted for receipt on another location of the animal's body, said second fastener means for releasably securing said second end portion thereon.

As regards claim 2, Shesol discloses loop-like loose weave material (col. 4, lines 60-63).

As regards claim 3, the first and second fasteners connect to the stretchable loose-loop like weave material of the abdomen and extension wrap portions.

As regards claim 4, note the disclosure of hook fasteners at (col. 4, lines 44-50).

As regards claim 7, note carrier platform (12) having hook fasteners (22).

As regards claims 10, note rejection of claims 1 and 3 above.

As regards claims 13, note the rejection of claims 1 and 7 above.

### ***Claim Rejections - 35 USC § 103***

4. The factual inquiries set forth in *Graham v. John Deere Co.*, 383 U.S. 1, 148 USPQ 459 (1966), that are applied for establishing a background for determining obviousness under 35 U.S.C. 103(a) are summarized as follows:

1. Determining the scope and contents of the prior art.
2. Ascertaining the differences between the prior art and the claims at issue.
3. Resolving the level of ordinary skill in the pertinent art.

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4. Considering objective evidence present in the application indicating obviousness or nonobviousness.
5. Claims 5, 11 and 14 are rejected under 35 U.S.C. 103(a) as being unpatentable over Shesol.

As regards claim 5, as shown in Fig. 6, the extension wrap portion is attached to a side of the abdomen wrap portion at an angle. Shesol fails to teach a right angle attachment. Absent a critical teaching and/or a showing of unexpected results derived from attaching the extension portion to the abdomen portion at a right angle, the examiner contends that the angle of attachment is an obvious design choice, which does not patentably distinguish applicant's invention.

As to claim 8, Shesol only teaches on carrier platform (wound dressing). However, it has been held that duplicating the components of a prior art device is a design consideration within the skill in the art. In re Harza, 274 F.2d 669, 124 USPQ 378 (CCPA 1960).

Consequently, it would have been obvious to one having ordinary skill in the art to provide more carrier platforms (wound dressings) to the wrap of Shesol in order to treat other parts of the body enclosed thereby.

As regards claim 11, note the rejection of claims 5 and 10 above.

As regards claim 14, note the rejection of claims 8 and 10 above.

6. Claims 9 and 15 are rejected under 35 U.S.C. 103(a) as being unpatentable over Shesol in view of U.S. Patent No. 5,897,519 ("Shesol et al.").

As regards claim 9, Shesol fails to teach a tube holding strap having hook fasteners thereon for releasably engaging the loop-like loose weave material, said tube holding strap adapted fro holding an IV tube or drain tube thereon.

Shesol et al., however, disclose a combination wound dressing holder and IV tube holder wrap having loop-like loose weave material thereon. The wrap further includes a tube holding strap (38, 46) having hook fasteners (32) thereon for releasably engaging the loop-like loose weave material (col. 5, lines 2-11). The strap is adapted to receive an IV tube.

In view of Shesol et al., it would have been obvious to one having ordinary skill in the art to modify Shesol with the addition of a tube holding strap having hook fasteners in order to provide a combination wound dressing holder IV tube holder. This will prevent the application of two wraps on a user.

As regards claim 15, note the rejection of claims 9 and 10 above.

#### ***Allowable Subject Matter***

7. Claims 16-20 are allowed.
8. Claims 6 and 12 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

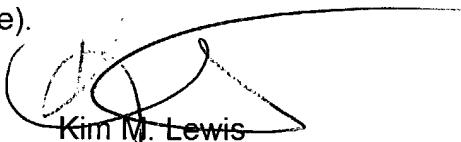
***Conclusion***

9. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. U.S. Patent No. 5,941,199 discloses a wrap portion and an extension wrap portion attached at a right angle to the wrap portion. U.S. Patent No. 5,632,235 discloses a pet flotation aid, walker and method that comprise a wrap.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Kim M. Lewis whose telephone number is 703.308.1191. The examiner can normally be reached on Mondays to Thursdays from 5:30 am to 4:00 pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Henry A. Bennett can be reached on 703.308.0101. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).



Kim M. Lewis  
Primary Examiner  
Art Unit 3743

kml